TFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: EGGENWEILER et al.

Serial No.: 10/750,878 Group Art Unit: 1614

Filed: 1/5/04 Examiner: unassigned

For: IMIDAZOLE DERIVATIVES AS PHOSPHODIESTRASE

VII INHIBITORS

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## **Timing and Fees**

disclosure statement is filed:				
		three months of the filing date of a national application other than a CPA § 1.53(d);		
	within three months of the actual filing date of the national phase of a P application; OR			
$\boxtimes$	before RCE).	the mailing of a first substantive office action (including after filing of an		
Under specif	37 C.F. ied in 3	R. § 1.97(c), this information disclosure statement is filed after the periods 7 C.F.R. § 1.97(b), but before the mailing date of:		
		a final rejection under 37 C.F.R. 1.113;		
		termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR		
		a notice of allowance under 37 C.F.R. § 1.311; and		

1

DOCKET NO.: MERCK-2412-D01

		is accompanied by:			
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR		
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).		
			R. § 1.97(d), this information disclosure statement is filed after the mailing llowing actions which have not been withdrawn:		
			a final action under 37 C.F.R. § 1.113;		
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR		
			a notice of allowance under 37 C.F.R. § 1.311;		
	AND	is filed	on or before payment of the issue fee; AND is accompanied by:		
			the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).		
Statem	nents U	nder 37	C.F.R. 1.97(e)		
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or		
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.		
Cited 1	Materia	<u>ls</u>			
		Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120 ancestor application Serial No, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).			
		Copies of materials listed but not attached were cited in an international search report dated			
	$\boxtimes$	Copies	of the materials listed are attached (except for the foregoing).		

11011-1	ion-English Language Kelerences					
		An English-language search report or equivalent paper from a foreign pater office is provided indicating the relevance of the cited reference(s).				
		A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:				
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> <li>P = intercalated document</li> <li>T = document cited to understand the theory or principle underlying the invention</li> <li>E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date</li> <li>D = cited in the application</li> <li>L = cited for another reason</li> <li>&amp; = publication of member of same patent family</li> </ul>				
		Translation of other relevant information on foreign search report				
Paymo		ck for \$ covering the fee identified above is attached.				
	Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.				

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

James E. Baland, Reg. No. 37,432 Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703) 243-6333

Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2412-D01

Date: December 21, 2004

JER/jqs

K:\Merck\2412\D01\hformation Disclosure Statement 12-16-04.doc

Please type a plus sign (+) inside this box

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known		
INFORMATION DISCLOSURE				Application Number	10/750,878	
				Filing Date	1/5/04	
SIAII	EMENIE	BY APP	PLICANT	First Named Inventor	Eggenweiler et al.	
				Group Art Unit	1614	
(use as many sheets as necessary)				Examiner Name	unassigned	
Sheet	1	of	1	Attorney Docket Number	MERCK-2412-D01	

44	2 98. <u> </u>	NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
	A1	Hungarian Search Report for application P0203139, dated 11/5/04.	
	A2	Abstract of HU Pub. No. 58337, published 28 February 1992, of App. No. HU P 89 04659 A, assigned to The Boots Co. Plc.	
			,,,
_	_		
	]		

Examiner	Date	`
	Date	
Signature	Considered	
3	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.